

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated July 7, 2006 (hereinafter Office Action) have been considered. Claims 1, 2 and 4-62 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant notes the Examiner's comments relating to newly added claims 49-61 on paragraph 1 of the Office Action. Applicant maintains the position that a search and examination of Claims 49-61 does not place an undue burden on the Examiner for the same reasons as presented for Groups I, IV, and V of the original restriction. Applicant disagrees that the "claims do not mirror each other in such a way that additional elements are not needed for both, e.g., claim 1 requires no processor as recited in claim 40," because as Applicant has previously argued, Claim 1 is directed to a computer-related process, which inherently involves a processor. Thus the burden of proof as required under MPEP § 821.03 has not been met, and by way of this traversal, the Applicant reserves the right to petition the requirement for election/restriction.

Applicant notes the withdrawal of the rejection based on 35 U.S.C. 112, first paragraph on paragraph 2 of the Office Action. The Examiner also states that "Applicant's April 2006 (sic) are not convincing with regards to 'first format to a second format.'" Applicant assumes that, notwithstanding this statement, that the rejections are withdrawn, and in the interest of being fully responsive, invites the Examiner to comment if this assumption is incorrect.

Claims 1, 2 and 4-24 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter. Applicant respectfully traverses the rejection. According to MPEP 2173.03,

The essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teachings of the prior art; and
- (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

Regarding the rejections of Claim 1, line 4 and Claim 4, the Examiner contends that the terms “application program interface (API)” and “XML” are not clear as to their meanings. Applicant traverses, and submits that these are terms of art, and their meanings would be apparent to a reasonable degree of clarity and particularity to one possessing the ordinary level of skill in the pertinent art. Nonetheless, as to Claim 4, the Applicant has amended the claim to read “XML-formatted charging events.” The Applicant additionally makes reference to the U.S. Patent database accessible via the USPTO Web site, where a search reveals that over 1000 issued U.S. Patents include the term “XML” in the claims, and over 1300 U.S. Patents include the term “API” in the claims. Applicant submits this as proof that the terms “XML” and “API” satisfy, 35 U.S.C. § 112, second paragraph, and therefore respectfully requests withdrawal of these rejections.

Regarding the objection to the terms “charging elements,” “network elements,” and “charging events” in Claim 1, the Applicant submits that these terms are fully described in the Specification as filed. The Examiner states that “[t]he original disclosure indicates that the network elements are referred to a charging elements, e.g., col. 1 [004].” Applicant respectfully disagrees that one skilled in the art could not distinguish between generic network elements and specific network elements related to charging that are referred to as charging elements. Further, Applicant submits that the terms “charging elements,” “network elements,” and “charging events” objected to by the Examiner are consistently used and described in the Specification with the necessary degree of clarity and particularity required under 35 U.S.C. § 112 to support the claims. As to “network elements” and “charging elements,” see, for example, FIG. 3 and page 13, lines 10-22 of the Specification as filed. As to the term “charging events,” see, for example, page 9, lines 27-29 of the Specification as filed. Applicant therefore requests withdrawal of these rejections.

Regarding the objection to the terms “applying the rules” and “filtering the charging events,” in Claims 6-8, the Applicant submits that the meaning of these terms would be apparent to one possessing the ordinary level of skill in the pertinent art, and who would understand these terms with a reasonable degree of clarity and particularity. Applicant therefore requests withdrawal of these rejections. Regarding the rejections of Claims 9-24, the Applicant respectfully notes that the Examiner has provided no specific reasons for

rejecting this group of claims, except for stating that “e.g., where is support for first and second calls within the original specification.” As to the “first and second calls,” the Applicant directs the Examiner’s attention to page 18, line 18 to page 19, line 20, in support of this claim language. Regarding the contention that the “Applicant is required to clarify where support for the remaining dependent claims 9-24 ... [is] located,” Applicant respectfully submits that the Examiner has not provided specific reasons to support the rejection of each of Claims 9-24, and Applicant is unaware of any rule under U.S. law that requires the Applicant to provide explicit support for every claim during prosecution, absent specific grounds for rejection. Therefore, Applicant respectfully submits that the Examiner has not met the requisite burden of proof to support the rejection of Claims 9-24, and Applicant respectfully requests withdrawal of the rejections.

Claims 1, 2, and 4-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,031,895 to *Cohn*. Applicant respectfully traverses the rejection. The Applicants respectfully submit that the claims as originally filed are not rendered obvious in view of *Cohn*. However, in order to facilitate prosecution of the application and in a *bona fide* attempt to advance the application to allowance, the Applicants present this response with amendment to clarify particular aspects of the claimed invention.

Claim 1 has been amended to at least set forth that one or more bridge modules are coupled to form a logical network layer between the network elements and the charging elements. Charging events that record details of billable services are received at the bridge modules. In response to the charging events, charging transactions between the network elements and their respective charging elements are managed by the bridge modules through the application of rules to the charging transaction. Managing the charging transactions involves applying the rules to transform the charging events to a format recognizable by targeted charging elements. Applicants note that this amended claim language is fully supported in the Specification as filed, e.g., page 14, lines 13-18, p. 9, lines 27-29, and p. 15, lines 20-22.

According to MPEP §2142, to establish a *prima facie* case of obviousness under 35 U.S.C. §103:

- 1) there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- 2) there must be a reasonable expectation of success; and
- 3) the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicant respectfully submits that *Cohn* does not render Claims 1 obvious, at least because Cohn does not teach or suggest every claim limitation. In particular, *Cohn* does not teach or suggest a logical network layer between network elements and charging elements of a network. In FIG. 13, *Cohn* illustrates a single billing system 159 directly coupled a central access and control system 155, but neither teaches nor suggests that a logical network layer is coupled between the billing system 159 and control system 155. *Cohn* is also silent as to applying the rules to transform the charging events to a format recognizable by targeted charging elements. As stated in the Office Action on page 5, “[i]t would appear that though no rule is disclosed by Cohn, inherently the billing interaction and methodology ... encompasses such claims language, as understood.” Applicant agrees that Cohn is silent as to application of rules in conjunction with billing transactions, although Applicant disagrees that *Cohn* inherently discloses the use of rules as previously set forth in Claim 1. Nonetheless, *Cohn* is necessarily silent on applying rules to transform charging events because *Cohn* does not expressly or inherently disclose any rules used in managing charging transactions. Further, there is nothing in the generic description of a billing system in column 33, lines 50-55 of *Cohn* to suggest applying rules to transform charging events, or for any other purpose. While other requisites of establishing *prima facie* obviousness may also be absent, the Applicant respectfully submits that *Cohn* at least fails to teach or suggest all of the claim limitations, thus Claim 1 is allowable over *Cohn*.

Regarding dependent Claims 2, 4-24 and 42-48, the Examiner has rejected these claims under 35 U.S.C. § 103 without providing any evidence that these claims are obvious in view of *Cohn*. These claims recite additional features which further distinguish these claims over Claim 1, and any rejections of these claims under 35 U.S.C. 103(a) must address the particular language used in each claim. Because none of the language of Claims

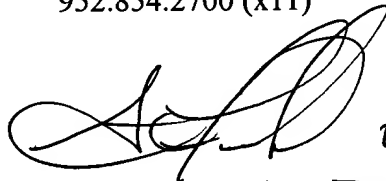
2, 4-24 and 42-48 was addressed in the rejection, Applicant respectfully requests withdrawal of the rejection.

Further, regarding pending Claims 42-48, the Examiner has provided no grounds for rejection of these claims, nor has the Examiner indicated the allowability of these claims. The Office Action Summary sheet states that Claims 25-62 are withdrawn from consideration, however the Applicant has not withdrawn claims 42-48, nor has the Examiner restricted these claims. Accordingly, Applicant respectfully requests the Examiner provide status of Claims 42-48 per MPEP § 707.07(i). If the Examiner continues to reject these claims, the Applicant respectfully requests that the Examiner provide the basis and reasons for rejecting each of Claims 42-48.

Authorization is given to charge Deposit Account No. 50-3581 (NOKI.002PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact him at to discuss any issues related to this case.

Respectfully submitted,

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